

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

**THOMAS E. NIDIFFER, and
LAURIE-LYNN FRANCESE,**

Plaintiffs,

v.

No. 22-CV-0374-MV/JHR

**DAVID LOVATO,
ARMANDO CAMPOS, and
ZACHARY SISEMORE,**

Defendants.

**ORDER DENYING PLAINTIFFS' MOTION TO AMEND PUNITIVE DAMAGES
WITHOUT PREJUDICE**

Before the Court is Plaintiffs' renewed Motion to Amend Punitive Damages ("Motion") filed on January 27, 2023. [Doc. 60]. The Court denied Plaintiffs' previous Motion to Amend Punitive Damages without prejudice for failure to comply with Local Rule 7.1 and allowed Plaintiffs to refile the motion in compliance with Local Rule 7.1. [Doc. 59]. The Court denies the instant Motion without prejudice for the same reason. Plaintiffs may again refile the Motion in compliance with Local Rule 7.1 discussed below.

Motions filed in the District of New Mexico must state: (1) whether they are opposed, and (2) that the movant requested, in good faith, concurrence from the other side. D.N.M.LR-Civ. 7.1(a). Motions that do not meet these requirements can be summarily denied. *Id.* This means that the party filing a motion must contact the other side and ask if the other side will agree that the motion should be granted. *See id.* The party filing the motion must write in it that they asked the

other side if they would agree. *See id.* If the other side does not agree, the motion must say that it is opposed. *See id.*

Here, Plaintiffs' Motion does not state whether Defendants oppose, nor whether Plaintiffs sought concurrence from Defendants. *See* [Doc. 60]. For this reason, the Court denies the Motion once more. However, Plaintiffs may refile the Motion in compliance with Local Rule 7.1(a) described above.¹

IT IS THEREFORE ORDERED that Plaintiffs' Motion to Amend Punitive Damages [Doc. 60] is **DENIED WITHOUT PREJUDICE**.

IT IS SO ORDERED.



JERRY H. RITTER
UNITED STATES MAGISTRATE JUDGE

¹ If Plaintiffs refile the Motion and opposing parties agree that it should be granted, Plaintiffs must also submit a proposed order to ritterproposedtext@nmd.uscourts.gov. D.N.M.LR-Civ 7.2.